

NEBRASKA ADMINISTRATIVE CODE

TITLE 248, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 5

NEBRASKA DEPARTMENT OF MOTOR VEHICLES

**RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF HANDICAPPED
PARKING PERMITS, NEB. REV. STAT. SECTIONS 18-1736 THROUGH 18-1742.**

Issue Date: June 3, 1998

Amendment Date: September 5, 2002

NEBRASKA ADMINISTRATIVE CODE

Title 248

Nebraska Department of Motor Vehicles

Chapter 5

Issue Date: June 3, 1998

CHAPTER 5 RULES AND REGULATIONS GOVERNING ISSUANCE AND USE OF HANDICAPPED PARKING PERMITS, NEB. REV. STAT. SECTIONS 18-1736 THROUGH 18-1742.

001 SCOPE. These rules and regulations govern the Nebraska Department of Motor Vehicles procedures for the issuance of handicapped parking permits pursuant to Neb. Rev. Stat. Sections 18-1736 through 18-1742.

002 DEFINITIONS.

002.01 Application means an application blank for a new, renewal, duplicate, permanent or temporary handicapped or disabled permit.

002.02 Department means the Nebraska Department of Motor Vehicles.

002.03 Director means the Director of the Nebraska Department of Motor Vehicles.

002.04 Designated parking space means those parking spaces and access aisles designated for the exclusive use of handicapped or disabled persons by Neb. Rev. Stat. Sections 18-1736 to 18-1741.

002.05 Handicapped or disabled person means:

002.05A Severe Visual or Physical Impairment. Any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred (200) feet without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device;

002.05B Respiratory Problems. Any individual whose personal mobility is limited as a result of respiratory problems;

002.05C Cardiac Condition. Any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being a Class III or Class IV, according to standards set by the American Heart Association; and,

002.05D Loss of Use of Limbs. Any individual who has permanently lost all or substantially all the use of one or more limbs.

002.06 Holder means:

002.06A Personal Permit. The handicapped or disabled person for whom the personal permit is issued pursuant to Neb. Rev. Stat. Section 18-1738.

002.06B Motor Vehicle Permit. The registered owner of the motor vehicle for which a motor vehicle permit was issued pursuant to Neb. Rev. Stat. Section 18-1738.01.

002.07 Permanently handicapped or disabled person means any handicapped or disabled person whose personal mobility is expected to be limited as stated in subsection 002.05 for more than one (1) year.

002.08 Permit means receipt and placard issued by the Department which allows motor vehicles to be parked in designated parking spaces.

002.08A Personal permit means a permit issued for the personal benefit of the holder obtained pursuant to Neb. Rev. Stat. Section 18-1738.

002.08B Motor vehicle permit means a permit issued for a specific motor vehicle pursuant to Section 18-1738.01.

002.08C Permanent permit means a permit which expires September 30, three years after issuance.

002.08D Temporary permit means a permit which expires within six (6) months from its date of issuance.

002.09 Placard means a durable plastic hang tag identifying the motor vehicle as one used to transport a handicapped or disabled person and constructed in accordance with the provisions of section 006 of these rules and regulations.

002.10 Receipt means the computer-generated receipt from the Department which contains all of the information submitted on the application. It must be carried with the placard for the placard to be valid.

002.11 Temporarily handicapped or disabled person means any handicapped or disabled person whose personal mobility is expected to be limited as described in subsection 002.05 for no

longer than one (1) year.

003 APPLICATION FOR PERMITS.

03.01 Personal Permit. Any handicapped or disabled person may apply for a personal permit which will entitle the holder or the holder's driver to park in designated parking spaces.

003.01A Non-transferable. Personal permits are issued for a specific individual and are non-transferable between persons.

003.01B Separate personal permits must be obtained for each handicapped or disabled individual who may use a motor vehicle in the absence of the other.

003.02 Motor Vehicle Permit. A business may apply for a motor vehicle parking permit for each motor vehicle that is used primarily for the transportation of handicapped or disabled person. The permit will entitle the holder or operator of a specific motor vehicle to park in designated parking spaces when a handicapped or disabled person will exit and enter the motor vehicle at that parking space.

003.02A Motor vehicle permits are issued for a specific motor vehicle and are non-transferable between motor vehicles.

003.02B Separate motor vehicle permits must be obtained for each motor vehicle used to transport handicapped or disabled persons.

003.03 Multiple Permits. A person may hold **either** a Personal Permit or a Motor Vehicle Permit, but not both.

003.03A Because motor vehicle permits are issued for specific motor vehicles and are non-transferable, a motor vehicle permit may be held for each motor vehicle used to transport handicapped or disabled persons.

003.04 Who May Apply:

003.04A Personal Permit. A handicapped or disabled person, his or her parent, legal guardian, or foster parent may apply for a personal permit.

003.04B Motor Vehicle Permit. A business with one (1) or more motor vehicles that are used primarily for the transportation of handicapped or disabled persons may apply for a motor vehicle permit.

003.05 Where to Apply. Village clerks, city clerks and the Department will accept applications; designated county officials and county clerks may accept applications for personal or motor vehicle permits.

003.06 How to Apply. Applicants must complete an Application for Handicapped Parking Permit or an Application for Handicapped License Plate.

003.06A Physician's Signature. The medical portion of the application for a personal permit must be signed by a physician, physician assistant, or nurse practitioner who certifies the applicant meets the definition of handicapped or disabled person set forth in Neb. Rev. Stat. Section 18-1738(2).

003.06B Temporary personal permit applications require the certifying physician, physician assistant, or nurse practitioner to indicate the estimated date of recovery or that the temporary handicap/disability will continue for a period of six (6) months, whichever is less.

003.06C Motor vehicle permit applications require a demonstration to the clerk, designated county official, or Department that each motor vehicle is used primarily to transport handicapped or disabled persons. The medical portion of the application need not be completed.

003.06D Proof of Identity. The applicant for a permit is required to provide proof of identity. It must be a valid driver's license, state identification card, certified birth certificate, passport, or other reliable form of identification with date of birth, or a combination of reliable forms with name and date of birth.

003.06D1 No Social Security Number. The application will not require the applicant's social security number.

003.06D2 Rights and Responsibilities. The applicant will be required to sign a statement that he or she is aware of his or her rights, duties and responsibilities regarding: a) the possession and use of the permit; b) the penalties provided for parking infractions; and c) that those convicted of parking infractions shall be subject to suspension of the permit for six (6) months.

004 PERMIT ISSUANCE.

004.01 Filing Application with Clerk or Designated Official. The official who receives the application shall immediately submit the application to the Department.

004.02 Issuance by the Department. Upon receipt of a completed application, the Department shall verify that the applicant qualifies for a permit. If the Department determines the applicant is qualified, the Department shall issue the permit by mailing it to the applicant at the address provided on the application. The Department shall enclose a computer-generated receipt which contains all of the information submitted on the application.

004.03 Copy to Clerk or Designated Official. The Department shall mail a list of all permits to the clerk or designated county official who originally accepted the application. The list shall contain the permit number, date of issuance and expiration, and the name, address and medical condition of the permit holder.

004.04 Copies of Applications Are Available Upon Request. The applicant may request a copy of his or her application from the Department.

005 PLACARD.

005.01 Placard's Construction. The placard shall be of a design, size, configuration, color, and construction and contain such information as specified in the rules and regulations adopted and promulgated by the United States Department of Transportation in the Uniform System for Handicapped Parking, 23 C.F.R. part 1235.2.

005.01A Material. The placard shall be constructed of a durable plastic designed to resist normal wear or fading for the term of the permit's issuance and printed so as to minimize the possibility of alteration following issuance.

005.01B Dimensions. The placard shall be 9-1/4 inches by 3-1/2 inches.

005.01C Numbering. The placard shall be serially numbered on both sides.

005.01D Color.

005.01D1 Permanent Permits. Permanent permits shall have a blue background with white lettering.

005.01D2 Temporary Permits. Temporary permits shall have a red background with white lettering.

005.01E Placard Design.

005.01E1 **Use and Non-use Requirements.** The placard shall be designed to hang from the rearview mirror while the motor vehicle is parked and to be removed while the motor vehicle is moving.

005.01E2 **Wheelchair Symbol.** The placard shall display the wheelchair symbol adopted by Rehabilitation International in 1969.

005.01E3 **Expiration Date.** The placard shall display the parking permit's expiration date.

005.01E4 **Issuing Authority.** The placard shall list the Department as the issuing authority and display its name.

005.01F **Label.** A label will be placed on the lower left corner of the placard to indicate the age and gender of the permit holder.

005.01G **Expiration.** All permits will have decals indicating the month and/or year of expiration. Each year shall be a different color.

005.02 **Display of Placard.** When using a designated parking space, a placard shall be displayed by attaching the placard to the motor vehicle's rearview mirror so as to be clearly visible and unobstructed through the front and side windshields.

005.02A **No Rearview Mirror.** When the motor vehicle has no rearview mirror, the placard shall be displayed on the motor vehicle's dashboard.

005.02B **Removal of Placard.** The placard shall be removed from the rearview mirror when the motor vehicle is operated.

006 **USE OF PERMIT.**

006.01 **Placard and Receipt.** The permit consists of the placard and receipt provided in subsection 004.02. Both must be carried for the permit to be valid.

006.02 **Personal Permits.** Personal parking permits shall be used only when the permit holder will enter and exit the motor vehicle while it is parked in a designated parking space.

006.03 **Motor Vehicle Permits.** Motor vehicle permits shall be used only when the motor vehicle is used to transport handicapped or disabled persons and they will enter and exit the motor vehicle while it is parked in a designated parking space.

006.04 Invalid If Suspended. If any parking permit has been suspended pursuant to Neb. Rev. Stat. Section 18-1741, no additional permits shall be issued until the expiration of the suspension period.

006.05 Duplicates. A duplicate permit may be provided if the original permit is destroyed, lost, or stolen. It shall be issued in the same manner as the original permit and shall be valid for the remainder of the period for which the original permit was issued. The medical portion of the application is not required on an application for a duplicate permit.

006.05A Parking Permits Are Not Reproducible and Non-transferable. No person shall alter or reproduce a permit. If a permit is transferred or altered or duplicated, a court may take all handicapped parking permits issued to or in the possession of the offender.

006.06 Universal. All states and Canadian provinces honor the others' permits.

007 EXPIRATION AND RENEWAL OF PERMIT.

007.01 Renewal of Permanent Permits. Applications for renewal of permits will be accepted no more than thirty (30) days prior to the expiration of the permit. The renewed permit will be issued by the Department no more than ten (10) days prior to the expiration of the old permit.

007.02 Renewal of Temporary Permits. Temporary permits may be renewed one time for a period not to exceed six (6) months.

007.02A Additional Application Required. Applicants seeking renewal of a temporary permit shall submit an additional application with the medical portion completed.